

From: [Legare, Amy](#)
To: [Means, Bruce](#)
Subject: RE: FOIA response comments
Date: Friday, July 19, 2013 9:34:00 AM
Attachments: [Aguayo FOIA response BKM.docx](#)

I'm OK with your edits. I added Audrey Asher and her phone number as the R7 contact.

Now what? Should I email it back or you or wait for Dana?

From: Means, Bruce
Sent: Wednesday, July 17, 2013 9:44 AM
To: Legare, Amy
Subject: FOIA reponse comments

Amy. Looks good. See attached.

Thought we should drop the "hopefully" thought at end, and add a contact in Region 7. What do you think?

Mr. Aguayo,

I am responding to your email request of July 11, 2013 regarding the FOIA request for draft memoranda describing the National Remedy Review Board's (Board) opinions on the proposed cleanup plan for the West Lake Landfill in EPA Region 7.

The meetings of the Board are pre-decisional, deliberative discussions and are not open to the general public. Reviews generally occur before the region issues the proposed plan. The Agency is generally at an early stage in its decision making process when the Board meets to discuss the proposed action. The intent of this early Board review is to offer a critical discussion on key remedy selection and cost effectiveness issues **before** the Agency formalizes its position on a preferred cleanup strategy.

The Agency considers the site-specific Board discussion materials, site names, and operable units under consideration to be deliberative and, where appropriate, enforcement confidential. The product of a Board review is typically a memorandum from the Board chair to the appropriate regional division director. While the Agency strives to be as open as possible about Board reviews, in some cases it may be appropriate for the region to withhold the Board's recommendations memorandum until the region issues the proposed plan.

In the case of the West Lake Landfill review, Region 7 requested an early consultation. Regions may request an optional Board consultation on remedial alternatives any time prior to the draft proposed plan. This optional consultation will not excuse a site from Board review at the proposed plan stage if the proposed remedial action meets the [Board review criteria](#). The outcome of a consultation is not incorporated into a memorandum from the Board chair to the regional division director and is not posted on the Board's web page.

Generally, stakeholders are not provided with any preliminary indication of Agency preferences beyond that which the Agency would provide in the absence of the Board's review. It is important to note that the Board process does not affect EPA's current procedures for soliciting public comment on proposed cleanup plans.

Thank you for contacting us. If you have further questions about the West Lake site, you are encouraged to contact Audrey Asher (913-551-7255) in EPA's Region 7 office.